IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

OP.No. 1524 of 2001(F)

PETITIONER:
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1. GEORGE C.CPAUL,
S/O. LATE C.V.PAUL,
CHERUVATHUR HOUSE,
THRISSUR ROAD,
KUNNAMKULAM.

2. MARY JOSEPH,
W/O. JOSEPH JOHN
RESIDING AT CHENNAI REPRESENTED BY
POWER OF ATTORNEY HOLDER SHRI. GEORGE C.PAUL.

3. P.V.VENKITAKRISHNAN,
S/O. P.V.VENKITANARAYANA IYER,
RGHAVATH MADATHIL,
PORKULAM VOLLAGE, TRICHUR DISTRICT.

BY ADV. SRI.B.KRISHNA MANI
SRI.V.PREMCHAND

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, THRISSUR.

2. THE DEPUTY DIRECTOR, SURVEY AND LAND RECORDS, THRISSUR.

3. THE SUPERINTENDENT, SURVEY AND LAND RECORDS, THRISSUR.

4. THE HEAD SURVEYOR, THALAPPILLY TALUK, WADAKKANCHERRY,
THRISSUR DISTRICT.

5. THE SUPERINTENDENT OF SURVEY,
WADAKKANCHERRY, THRISSUR DISTRICT.

6. THE TAHSILDAR, THALAPPILLY TALUK, WADAKKANCHERRY.

7. SECRETARY, KUNNAMKULAM MUNICIPALITY, KUNNAMKULAM.

BY ADV. SRI.A.K.CHINNAN – FOR R7
SMT.SMITHA, GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.No. 1524/2001

ORDER ON CMP 2527/2001 IN O.P.No. 1524/2001

DISMISSED.

26/03/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE SURVEY SKETCH MENTIONED AS SURVEY FIELD NO. 1070

P2 : COPY OF THE SKETCH PREPARED BY THE SURVEY DEPT. OF KERALA STATE.

P3 : COPY OF THE AWARD NO. 14/73 DATED 30/6/1973.

P4 : COPY OF THE SKETCH FIELD NO. 1069.

P5 : COPY OF THE SKETCH DATED 15/12/1998.

P6 : COPY OF THE RESURVEY SKETCH PREPARED BY THE SURVEY DEPARTMENT.

P7 : COPY OF THE DOCUMENT.

P8 : COPY OF THE NOTICE DATED 06/06/1995 PW2 – 3354/95.

P9 : COPY OF THE PETITION FILED BY THE PETITIOENRS BEFORE THE 2ND RESPONDENT.

P10 : COPY OF THE DOCUMENT.

P11 : COPY OF THE PETITION FIELD BY THE PETITIONERS BEFORE THE DISTRICT COLLECTOR DATED 11/6/1997.

P12 : COPY OF THE NOTICE NO. JB.15427/97 DATED 26/6/1997 FROM THE 2ND RESPONDENT.

P13 : COPY OF THE PETITION FILED BY THE PETITIONERS TO THE VILLAGE OFFICER.

P14 : COPY OF THE REPRESENTATION FILED BY THE 1ST PETITIONER AND HIS MOTHER TO THE 2ND RESPONDENT.

P15 : COPY OF THE NOTICE NO. B1-3435/2000 DATED 24/2/2000 FROM THE 6TH RESPONDENT.

P16 : COPY OF THE REPRESENTATION FILED BY THE PETITIONERS DATED 29/4/2000 BEFORE THE TAHSILDAR, THALAPPILLY TALUK.

P17 : COPY OF THE REPLY NO. B2-11443/2000/L.BIS DATED 09/05/2000 FROM THE 6TH RESPONDENT.

P18 : COPY OF THE NOTICE NO. 3454/2000 DATED 23/8/2000 FROM THE TAHSILDAR, THALAPPILLY TALUK.

// TRUE COPY //

jg PA TO JUDGE.

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 1524 of 2001 F

Dated, this the 26th day of March, 2007

J U D G M E N T

Since it is stated in the counter affidavit that after filing this OP re-survey was done making corrections, it is for the petitioners to obtain copy of the re-survey report. Accordingly, this OP is disposed of directing the 5th respondent to give copy of re-survey report with sketch and plan to the petitioners within 10 days from the date of production of a copy of this judgment, on collection of usual fees payable by the petitioners, if not already paid. If petitioners have any other grievance, it is for them to file an appeal or challenge the re-survey report by filing a suit under Section 14 of the Act.

2. In fact, interim order of this Court dated 03/03/2006 itself directed the respondents to issue copy of the re-survey report to the petitioners, which according to the petitioners is not received by them. If there is any violation of Court order, it is for the petitioners to file contempt.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg